

SCR 208-1
(LC 320)
2/12/26 (DJ/ps)

Requested by JOINT COMMITTEE ON CONDUCT

**PROPOSED AMENDMENTS TO
SENATE CONCURRENT RESOLUTION 208**

1 On page 5 of the printed concurrent resolution, delete lines 21 through
2 45.

3 On page 6, delete lines 1 through 18 and insert:

4 “(4) Harassment, sexual harassment and hostile work environment.

5 “(a) An individual engages in harassment by engaging in verbal or phys-
6 ical conduct, including making a visual display or causing a visual display
7 to be shown, that denigrates or shows hostility toward an individual or
8 group of individuals on the basis of a protected class, when the conduct
9 creates a hostile work environment, as described in paragraph (c) of this
10 subsection. Examples of harassment may include, but are not limited to:

11 “(A) Name-calling, slurs or stereotyping;

12 “(B) Threatening, intimidating or hostile acts that relate to a protected
13 class;

14 “(C) Belittling, demeaning or humiliating a person or group of persons
15 because of a protected class; or

16 “(D) Displaying written or graphic material that is described in subpara-
17 graphs (A) to (C) of this paragraph.

18 “(b) An individual engages in sexual harassment when the individual en-
19 gages in unwelcome conduct of a sexual nature, including but not limited to
20 sexual advances, flirtations, propositions, requests or demands for sexual fa-
21 vors, sexual comment, unwanted or offensive touching or physical contact,

1 unwanted closeness, impeding or blocking movement, leering, whistling,
2 touching or physical assault, sexual gesture, sexual innuendo, sexual joke,
3 sexually charged language, verbal abuse of a sexual nature, verbal commen-
4 tary about the body, sexual prowess or sexual deficiency of an individual,
5 intimate inquiry, persistent unwanted courting, sexist insult, using sexually
6 suggestive or obscene comments or gestures, displaying sexually suggestive
7 objects or pictures, sending or forwarding electronic mail or other commu-
8 nications of an offensive or graphic sexual nature, gender stereotype,
9 discriminatory treatment based on sex, or other verbal or physical conduct
10 of a sexual nature, if:

11 “(A) Submission to the conduct is made either explicitly or implicitly a
12 term or condition of a person’s employment;

13 “(B) A person expressly or by implication conveys that declining to sub-
14 mit to the conduct will affect an individual’s job, leave request, benefits,
15 business before the Legislative Assembly, influence or opportunity of the
16 individual to engage professionally with the Legislative Assembly, its mem-
17 bers or staff;

18 “(C) The conduct constitutes sexual assault; or

19 “(D) The conduct creates a hostile work environment as described in
20 paragraph (c) of this subsection.

21 “(c) Conduct creates a hostile work environment if the conduct is unwel-
22 come and:

23 “(A) Affects a person’s ability to function in the workplace;

24 “(B) Denies a person the benefits of the workplace;

25 “(C) Has the purpose or effect of unreasonably interfering with a person’s
26 job performance; or

27 “(D) Creates a work environment that a reasonable person would find
28 intimidating, hostile or offensive.

29 “(d) For purposes of paragraph (c) of this subsection, ‘unwelcome
30 conduct’ means conduct that an individual does not solicit and that the in-

1 individual regards as undesirable or offensive.

2 “(e) An individual may withdraw consent to conduct that was previously
3 welcomed, though a withdrawal of consent must be communicated to the
4 person for whom consent is being withdrawn.”.

5 On page 8, line 4, after “class;” insert “or”.

6 Delete lines 5 through 7 and insert:

7 “(d) Is retaliation.”.

8 On page 13, line 30, after “party.” insert “An investigation may proceed
9 without the participation of the impacted party only when there is evidence
10 of a pattern of inappropriate behavior by the respondent or when there is
11 evidence of inappropriate behavior from a source that is independent of the
12 impacted party.”.

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